UNITED
NATIONS

CCPR

International Covenant
on Civil and
Political Rights

Distr.
GENERAL

CCPR/C/SR.1228
12 May 1993

ORIGINAL: ENGLISH

HUMAN RIGHTS COMMITTEE

Forty-seventh session

SUMMARY RECORD OF THE 1228th MEETING

Held at Headquarters, New York,
on Tuesday, 6 April 1993, at 10 a.m.

Chairman: Mr. ANDO

later: Mr. EL-SHAFEI
(Vice-Chairman)

later: Mr. ANDO (Chairman)

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The meeting was called to order at 10.20 a.m.

ACTION TAKEN BY THE GENERAL ASSEMBLY AT ITS FORTY-SEVENTH SESSION

(a) ANNUAL REPORT SUBMITTED BY THE HUMAN RIGHTS COMMITTEE UNDER ARTICLE 45 OF THE COVENENT

(b) EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS

PREPARATORY ACTIVITIES RELATING TO THE WORLD CONFERENCE ON HUMAN RIGHTS

1. Mr. AGUILAR, speaking as Chairman/Rapporteur of the Working Group on Article 40 of the Covenant and reporting on the action taken by the General Assembly at its forty-seventh session, said that the Third Committee had taken note of the report submitted by the Human Rights Committee, but had deferred the adoption of a resolution on the Committee's work until its forty-eighth session.

2. Under agenda item 97 (a), the Third Committee had, at its 40th, 42nd to 45th, 48th, 49th and 52nd meetings, considered issues relating to the implementation of human rights instruments and the functioning of human rights treaty bodies. Delegations had welcomed the recommendations in the report on the fourth meeting of persons chairing the human rights treaty bodies (A/47/628), particularly those calling for improved coordination between the treaty bodies and more effective integration of human rights concerns into the overall range of United Nations activities. The Third Committee had favoured finding new ways of monitoring the human rights situation around the world, such as the establishment of an international human rights court with compulsory jurisdiction; the involvement of treaty bodies in early-warning activities and preventive diplomacy, particularly in cases of massive human rights violations; and the participation of their members in fact-finding missions to assist the Security Council or the Secretary-General in identifying possible areas of future conflicts. It had felt that newly independent States, especially successors to former States parties to human rights instruments, should be urged to make the necessary official notifications so that the treaty provisions would continue to apply, and that they should, in any case, be considered as inheriting the obligations arising from those instruments.

3. The number, nature and scope of reservations to human rights instruments had been considered an impediment to the universality of the treaty system, and the conclusions of the meeting of chairpersons in that regard had been endorsed.

4. Many delegations had emphasized the need to strengthen the Centre for Human Rights in order to improve the functioning of the treaty bodies. They had also considered that collaboration among the treaty bodies could facilitate their work and make concerted action possible. On the question of the late submission of reports by States parties, it had been felt that all the treaty bodies should adopt the practice followed by the Committee on the Elimination of Racial Discrimination (CERD) of proceeding with the examination of the situation in countries whose reports were long overdue on the basis of existing information.

(Mr. Aguilar)

5. The Human Rights Committee had been commended for its innovative work, in particular its decision to adopt concluding comments by the Committee as a whole on the reports of States parties, and its practice of calling for urgent reports as a way of monitoring particularly serious situations, a practice which it had been felt the other treaty bodies should emulate. The Third Committee, which had commended the Committee's practice of drafting general comments had welcomed its general comments on articles 7 and 10 of the Covenant and suggested that it should draft comments on article 27.

6. In resolution 47/111, the General Assembly had endorsed the conclusions and recommendations of the meetings of chairpersons aimed at improving reporting procedures and the continuing efforts in that connection by the treaty bodies and the Secretary-General (para. 1); requested an updating of the study by the independent expert on long-term approaches to enhancing the effective operation of the treaty bodies (A/44/668) and the presentation of an interim report to the World Conference on Human Rights in June 1993 (para. 2); and endorsed the amendments to the funding provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, requesting the Secretary-General to provide for the financing of the relevant committees from the regular budget (para. 9).

7. Reporting on the action taken by the Commission on Human Rights at its forty-ninth session, which paralleled the action taken by the General Assembly, he said that the Commission, under its agenda item 17, on the International Covenants on Human Rights, had suggested that reports by the treaty bodies should include an assessment of emerging trends and obstacles affecting adherence to the Covenants; and that, under Article 64 of the Charter, States could be invited to report on unratified conventions. The Commission had, in particular, commended the Human Rights Committee for its examination on short notice of reports from States which had been part of the former Yugoslavia; and had welcomed its new practice of adopting written concluding comments on the reports of States parties.

8. Under its agenda item 18, on the effective functioning of human rights treaty bodies, and in response to the report of the fourth meeting of chairpersons, the Commission had observed that the alarming extent of reservations to the various treaties made it necessary to challenge the admissibility of some of them, and had suggested that advisory opinions might be requested from the International Court of Justice. It had felt that the very late submission, or the non-submission, of reports by States parties should not be tolerated, and had recommended that reports should be written with a thematic rather than an article-by-article approach. It believed that the Manual on Reporting should be given a more practical format and be made available in all the official languages; and that the adoption by all Committees of uniform practices and standard terminology would facilitate the reporting process. The Commission had stressed in general terms the importance of providing the Centre for Human Rights with resources commensurate with its tasks. It had agreed that the Secretary-General and the human rights treaty bodies should explore ways to bring serious human rights situations to the attention of the Security Council.

(Mr. Aquilar)

Lastly, it had felt that the existing treaty bodies should be entrusted with the supervision of any new human rights treaties.

9. Mr. El-Shafei, Vice-Chairman, took the Chair.

10. Mr. POCAR, reporting on some of the issues dealt with at the fourth meeting of persons chairing the human rights treaty bodies, which he, as Chairman, had attended in Geneva in October 1992, observed that the report of that meeting (A/47/628) had served as the basis for much of the action taken by both the Third Committee and the Commission on Human Rights.

11. With regard to the development of effective responses in emergency situations, the chairpersons had taken note of the Yugoslav crisis and had supported the Secretary-General's proposal in his report on the work of the Organization (A/47/1, para. 101) that ways should be explored of empowering the Secretary-General and expert human rights bodies to bring massive violations of human rights to the attention of the Security Council, together with recommendations for action. The Human Rights Committee must now consider whether it wished to pursue that proposal. In any case, the comments it had adopted at its forty-sixth session concerning the urgent reports of the successor States to the former Yugoslavia had been submitted to the Third Committee of the General Assembly as a conference room paper to supplement the reports of the Special Rapporteur.

12. He noted that CERD had adopted views on measures to be taken with regard to the consideration of massive violations of human rights. It had taken a decision at its March 1993 session whereby it could ask States parties to submit special reports urgently; it could then designate a special rapporteur to act as a focal point for monitoring critical situations. Its views and expressions of concern would be submitted for action to the State party, the Secretary-General, early warning mechanisms and all other human rights bodies dealing with similar questions.

13. He drew attention to General Assembly resolution 47/120 entitled "An agenda for peace: preventive diplomacy and related matters". That resolution emphasized the need for all organs and bodies of the United Nations, as appropriate, to intensify their efforts to strengthen the Organization's role in preventive diplomacy, peacemaking, peace-keeping and peace-building, and to continue the discussion of the Secretary-General's report with a view to adequate action being taken. He further drew attention to paragraph 44 of document A/47/628 concerning the views expressed with regard to preventive action.

14. At its session held in January 1993, the Committee on the Elimination of Discrimination Against Women (CEDAW) had contacted the Special Rapporteur of the General Assembly regarding the situation of women in the successor States to the former Yugoslavia. The chairperson of that Committee had asked those States for exceptional reports to be considered at its next session, along the lines of the action taken by the Human Rights Committee.

(Mr. Pocar)

15. At their fourth meeting, the chairpersons had addressed financing issues and stated, in a general way, that the funding for the Centre for Human Rights was grossly inadequate and that each treaty body required proper funding.

16. The problem of extensive reservations to the human rights instruments had been dealt with at length by the chairpersons, who had suggested that the treaty bodies might consider requesting advisory opinions from the International Court of Justice, and also that an analytical study on the whole issue could be prepared either by an independent expert or by the Subcommission on Prevention of Discrimination and Protection of Minorities.

17. The chairpersons had agreed with the Human Rights Committee on the issue of succession in relation to human rights obligations and had been the first to address it in their report (para. 66); that had led to the adoption by the Commission on Human Rights of resolution 93/23.

18. With regard to the rationalization of the reporting procedures, the chairpersons had underscored an idea put forward by the Committee against Torture, regarding the possibility of merging the various treaty body reports into one and, in fact, merging the treaty bodies themselves. He himself had made the point that it was not realistic to take up that suggestion at the meeting of chairpersons but that it could be considered within the framework of the World Conference on Human Rights.

19. The chairpersons had felt that all treaty bodies should be serviced by the same secretariat, namely, the Centre for Human Rights, although their sessions could, of course, be held at different venues. At the moment, CEDAW had a separate secretariat in Vienna.

20. During the course of the meeting of chairpersons, the Chairman of the Third Committee had, before the consideration of some items, held informal round-table discussions with some of the experts; he himself, Mrs. Higgins and an International Labour Organisation expert had had fruitful discussions with him on items relevant to the work of the Human Rights Committee.

21. In connection with the World Conference on Human Rights, the chairpersons had not recommended specific action with regard to the substance of the Conference since they had met at a time when it was unclear whether the Conference would, indeed, take place. The third session of the Preparatory Committee had been unable to agree on an agenda, which finally had been decided upon by the General Assembly (resolution 47/122, annex). The chairpersons had decided that it would be inappropriate to add anything to the agenda at that point, but they had suggested that the treaty bodies should participate fully in the World Conference and that the General Assembly should recommend that the group of chairpersons should be constituted as a special advisory body to the World Conference (A/47/628, para. 77), otherwise, it would simply have observer status. As far as he knew, the General Assembly had not followed that recommendation. The chairpersons had also suggested that a special working group should be established at the World Conference to examine issues relevant to the monitoring bodies (para. 78) and that a meeting of chairpersons and

(Mr. Pocar)

representatives of the principal regional and other human rights organizations should be held within the framework of the Conference (para. 80).

22. Mr. Ando resumed the Chair.

23. The CHAIRMAN, responding to a query by Miss Evatt, said that the section of the Committee's annual report relating to action by the General Assembly always contained an endorsement of pertinent principles or decisions taken by other bodies in order to give greater weight to such recommendations, and that the Committee would be endorsing the work of the meeting of chairpersons.

24. Mrs. CHANET said that a member of CERD, a body which was currently overwhelmed by international emergencies involving racial discrimination, had called her attention to a text which that Committee had adopted in March 1993, suggesting innovative measures for dealing with human rights emergencies. It would be useful to obtain a copy of that document for consideration.

25. Mr. HERNDL observed that it was very important to establish a coordinated, practical approach by which the human rights bodies in general and the treaty bodies in particular could refer massive human rights violations to the Security Council for consideration or action. One way would be to draw the Secretary-General's attention to the matter, through a letter from the chairman of the treaty body concerned; the Secretary-General could then either circulate it as a Security Council document or take the matter up directly with the Council. Another approach could be to seize the General Assembly of the matter by submitting a separate special report on urgent human rights crises, as had occurred in November 1992 in the case of the States which had formerly formed part of Yugoslavia. The Human Rights Committee had adopted views on the matter, but, under the current system, they would not appear in writing until its next annual report was issued.

26. The submission of reports by States parties must be expedited, but, in his view, the Committee could not discuss the situation in a particular country in the absence of such a report. Unlike the Commission on Human Rights, which was a political body, the Committee was empowered under article 40 of the Covenant only to consider reports submitted by States parties. More pressure could be placed on States parties to submit their reports in a timely fashion if delinquent States were singled out each year in a General Assembly resolution addressed to specific countries. That would be more effective than the current practice of including reporting obligations in a general resolution on the implementation of human rights instruments.

27. In resolution 47/111, the General Assembly had endorsed all the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures contained in the report of the fourth meeting of persons chairing the human rights treaty bodies (A/47/628, para. 1) and requested the Secretary-General to submit a report examining those conclusions and recommendations, in the light of the views expressed at the forty-ninth session of the Commission on Human Rights and the thirty-seventh session of the Commission on the Status of Women (para. 11).

(Mr. Herndl)

28. The Committee should formulate concise and specific recommendations for the World Conference on Human Rights for consideration at the forthcoming meeting of the Preparatory Committee and incorporation into the report of the World Conference. The recommendations contained in the report of the fourth meeting of chairpersons should also be incorporated into that report. The Economic and Social Council, the General Assembly or the World Conference might perhaps be used as a forum to promote the idea of requesting advisory opinions from the International Court of Justice on reservations to international human rights treaties.

29. The General Assembly had appealed directly to the Secretary-General to strengthen the servicing of treaty bodies, but no action had yet been taken. It was important to reinforce the Centre for Human Rights in terms of both financing and personnel.

30. Mrs. EVATT, referring to paragraphs 62 to 65 of document A/47/628, suggested that a working group of the Human Rights Committee might undertake a preliminary study of inconsistencies in the reservations made to the principal treaties by States parties, which could add to the study proposed in paragraph 62.

31. The advisory services and technical assistance discussed in paragraphs 75 and 76 dealt mainly with training in the preparation of reports. Training of law enforcement officers would be a way to ensure greater human rights protection, and more resources should be allocated for training in that area.

32. Mrs. HIGGINS said that the Committee should think very carefully about any proposals to report to the Security Council, the Secretary-General or the General Assembly. A controversial political debate was currently under way within the Organization about the competence of the Security Council to recommend measures under Chapter VII of the Charter in cases where massive violations of humanitarian law had occurred, and the suggestion that the Committee should report its findings to the Security Council presupposed the outcome of that debate. Certainly, members wanted the Committee to be effective and engaged, but it should preserve its independent status as a treaty body and should keep United Nations political organs at arm's length. While the Committee should make certain that its views on matters within its competence were transmitted to the appropriate body, reporting massive human rights violations to the Security Council fell outside its competence. A more objective review of human rights fulfilled a useful function, in that countries which were not in line with the prevailing political opinion could still have confidence that they would receive an objective hearing in the Committee.

33. She strongly opposed requesting advisory opinions from the International Court of Justice regarding reservations. The Court had already given its answer to that question in relation to the Convention on the Prevention and Punishment of the Crime of Genocide, and the same principles should be applied to each reservation made to all human rights treaties. A better approach would be for the Committee to put forward its own views in general comments.

34. She was disturbed that the Committee's input into the preparations for the World Conference on Human Rights had thus far been limited because its

(Mrs. Higgins)

representatives had not been given expert status. Because of the short time remaining before the Conference, the Committee could only entrust its representatives with the task of putting forward its views, combining the recommendations in the chairpersons' report and the study by Mr. Philip Alston on possible long-term approaches to enhancing the effective operation of the human rights treaty bodies (A/44/668).

35. States parties must be made aware of the realities of participation in the Covenant. A list should be issued of those whose submissions were late, who had not replied to communications, had declined to meet the Committee's requests or had not complied with procedures under the Optional Protocol, and that list should be made available to the press.

36. She believed that, following its initiative with regard to the former Yugoslavia and on the basis of its conviction that international law provided for State succession to human rights obligations, the Committee should contact all States in legal positions similar to those of Bosnia and Herzegovina and Croatia, such as the successor States to the Union of Soviet Socialist Republics. Some of those States had declared their succession to the obligations of the former USSR under the Covenant but others remained silent and should be reminded of their obligations.

37. In addition, the Committee must consider what measures it could take between sessions to deal with emergencies: in particular, whether members should be dispatched to States parties to discuss problems that arose. She hoped that the Working Group on article 40 would take up those issues at its next meeting, and that the Committee would reach a decision on the reservations issue at the current session.

38. Mr. LALLAH said that, of the three suggested means of dealing with reservations, namely, seeking an advisory opinion from the International Court of Justice (ICJ), preparing a study on the matter, and drafting a general comment, he favoured the last, since the Committee should make its own interpretation. In any event, it had already decided to prepare a general comment.

39. With regard to developing a special relationship with the Security Council, he pointed out that the Committee had always been very careful to remain within its own competence under the Covenant. Perhaps the time had come for the Committee to build on its past experience and undertake initiatives that States parties might not have expected when acceding to the Covenant. As it was both important and appropriate to keep the organs of the United Nations fully informed of the Committee's work, he suggested that the Director of the Centre for Human Rights could convey to the Security Council any information relevant to its own tasks.

40. Mr. SADI said that, in his view, too, it was important for the Committee to build on its existing strength and to enhance its working methods. He therefore favoured the submission of special or emergency reports to the General Assembly and the Security Council; the subsequent fate of those reports was of no concern to the Committee. The Security Council was the only body capable of effective action to address grave violations of human rights and its assistance should

(Mr. Sadi)

therefore be engaged by the Committee, which was, regrettably, rather impotent, even in regard to States parties to the Covenant.

41. Within the United Nations system there was increasing pressure to seek an advisory opinion on the issue of reservations. While the Committee should also develop its own views on that issue, he felt that such an opinion should be sought, particularly in the context of the forthcoming World Conference.

42. It was unfortunate that, owing to time constraints, the Committee was forced to rush through many issues, thus prejudicing the quality of its work. No judicial tribunal could make decisions in the short time given to the Committee to formulate its views and he felt, therefore, that the quality of the Committee's work would be considerably enhanced if its sessions were extended or if an additional session could be held.

43. In his introductory statement at the beginning of the session, the representative of the Secretary-General had described a new procedure followed by the Committee on Economic, Social and Cultural Rights for the conduct of field examinations and had suggested that the Committee might emulate that initiative. In the interests of enhancing its work, he felt that the Committee should give careful consideration to the adoption of a similar procedure.

44. Mr. AGUILAR said, with reference to the last suggestion by Mr. Sadi, that the Committee should address the problem of deficient reports, not necessarily through field examinations, but by assisting States parties with the preparation of those reports. He noted that the experience of the Committee on Economic, Social and Cultural Rights in the conduct of field examinations had not been encouraging: some countries had refused visits by its members. Urgent measures were required, however, to resolve the problem of late and deficient reports and he therefore endorsed the suggestion by Mrs. Higgins that lists of those countries which were in default of their commitments should be published. Alternatively, reports which were very deficient, such as that submitted at the current session by the Dominican Republic, could be returned to the State party concerned with an indication of what the Committee needed to know and of the format required.

45. With regard to reservations, he inclined to the same view as Mrs. Higgins, particularly since the Committee had already adopted a decision to prepare a general comment on reservations. That would not, however, preclude it from seeking an advisory opinion from the International Court of Justice, but he was doubtful whether the Court would have such an opinion in time for the World Conference or whether the World Conference would be able to take up the matter in a competent manner.

46. With regard to the question of the succession to human rights obligations of the States of the former USSR, he agreed that the Committee should apply the experience it had gained with the successor States to the former Yugoslavia and should approach those States of the former USSR where there were particularly acute human rights problems, such as Armenia, Azerbaijan and Georgia, and request reports for the Committee's consideration at its next session.

47. Mr. PRADO VALLEJO agreed that the Committee should explore new initiatives with a view to rendering its implementation of the Covenant more effective. In particular, it could strengthen the guidance it gave to States parties to enable them to meet their deadlines in the submission of reports and to comply more fully with the Committee's requirements. The practice of the Committee on the Elimination of Racial Discrimination (CERD), in investigating alleged violations of rights before it received a report, was a useful innovation which the Committee might emulate.

48. With regard to the backlog in communications, he suspected that individuals in many countries were deterred from submitting complaints to the Committee not only by ignorance of the Optional Protocol, but also by delays in the Committee's handling of communications, which sometimes took as long as four to five years. There was, consequently, a need for a special session on communications to clear the backlog and to expedite those matters which were most urgent and important.

49. He fully supported the suggested use of mechanisms offered by the Security Council to deal with massive violations of human rights, since such violations posed a direct threat to peace and security throughout the world.

50. In general, it was not sufficient to address human rights violations after they had occurred: the Committee must find ways to prevent their occurrence, as had been stated in the General Assembly and by the Preparatory Committee for the World Conference on Human Rights. One method would be for the Committee to request prompt, additional reports from States in which particularly complex situations had developed that were likely to produce human rights violations. The Committee could include in its comments a standard applicable to political situations which might hamper the safeguarding of human rights, such as the amnesties which had been declared in several Latin American countries. In addition, it was sometimes apparent from State party reports that in a given country there was no remedy for violations: in such cases the Committee should act promptly, to avert possible violations.

51. In his view, reservations in general were inconsistent with the aims and purposes of the Covenant and an approach should therefore be made to the International Court of Justice to ascertain what steps could be taken with regard to reservations which the Committee considered inadmissible. At the same time, the Committee should formulate its own views on such reservations before approaching the Court.

52. Mrs. CHANET agreed with the suggestion by Mrs. Higgins that the Committee should publish a list of States which were late submitting reports or had failed to cooperate with its recommendations on communications.

53. With regard to the question of reservations, she believed that it was the Committee's duty to make its own views known and she therefore favoured the preparation of a general comment. She also agreed on the need for a special extended session devoted to clearing the backlog of communications, since it was unacceptable to make people wait several years for the Committee to act.

(Mrs. Chanet)

54. Finally, in dealing with emergencies, she believed the Committee should give careful consideration to the procedure adopted by the Committee on the Elimination of Racial Discrimination and requested further information regarding that initiative.

55. Mrs. KLEIN (Secretary of the Committee) drew attention to a working paper by the Committee on the Elimination of Racial Discrimination, (CERD/C/1993/Misc.1/Rev.2), setting forward ideas regarding early warning and urgent procedures. Such measures included the establishment of a follow-up mechanism to the recommendations in the concluding observations of that Committee; sending one or more of its members to States parties to facilitate the implementation of international standards; submitting information to the Secretary-General as a contribution to the early-warning mechanism to be established pursuant to General Assembly resolution 47/120, section II (1); drawing upon Committee members as a resource in the relevant activities of the Centre for Human Rights; designating a special rapporteur to act as a focal point for monitoring critical situations and, in consultation with the Chairman of the Committee, initiating the urgent action procedure whenever necessary; expressing its concern about the human rights situation in a given country to the State party concerned or to the Special Rapporteur; and, finally, notifying the Secretary-General of any matters of particular importance which should be brought to the attention of the Security Council. The Committee on the Elimination of Racial Discrimination intended to give careful consideration to those ideas at its next session.

56. Mr. EL-SHAFEI said that the Committee's representative could submit a full report on its activities, under item 9 of the provisional agenda of the World Conference. That might include a paper defining categories of States parties which had failed to fulfil their obligations under the Covenant. Agenda item 12 was also pertinent to the work of the Committee; without international cooperation, United Nations treaty bodies and other United Nations human rights organizations could not function.

57. He did not agree that the Committee should seek advisory opinions from the International Court of Justice regarding reservations to human rights instruments entered by States parties. He felt that most States parties would object to such a procedure as reservations were considered to be attributes of State sovereignty. He suggested that reservations should be stressed when treaty bodies examined the reports of States parties. The proposed comparative study (A/47/628, para. 36), which would need to examine reservations to all United Nations human rights instruments, was not within the competence of the Committee. He felt that general comments would be a more effective approach to the problem.

58. The Committee should explore ways to bring information and recommendations concerning massive human rights violations to the attention of the Security Council. Acting under its rules of procedure, the Committee could prepare a special report to the Secretary-General, who was authorized under Article 99 of the Charter, to bring to the attention of the Security Council any matter which might threaten the maintenance of international peace and security. The Security Council could benefit from information relating to human rights provided by the Committee, even when no such threat existed.

(Mr. El-Shafei)

59. Finally, he doubted whether the Committee's term of reference would permit it to examine the human rights situation in countries which had not submitted reports.

60. Mr. NDIAYE said that the Committee should not depart from the provisions of the Covenant, which authorized it to address its concerns to the Secretary-General, the Economic and Social Council or the General Assembly. In the event of massive human rights violations, the Committee could prepare a report, which might include recommendations for action, to the Secretary-General, who could, in turn, refer it to either the Security Council or the General Assembly. He approved of the current procedure for dealing with countries in crisis. Both Guinea and Niger, for example, had benefited from visits by experts from the Committee. He also felt that the Committee must adhere to its usual procedure with regard to reservations, since they were an important means of encouraging States to accede to multilateral instruments. Tight restrictions on the entering of reservations could discourage States from becoming parties to the treaty. In the light of the opinion that the International Court of Justice had delivered concerning reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, he doubted whether any purpose would be served by approaching the Court for advisory opinions.

61. He suggested that the Committee should lengthen one of its sessions by one week, to make progress on overdue communications. He strongly supported the idea of combining the three human rights treaty bodies established under the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. States parties should not have to direct their resources and energy towards three separate human rights bodies.

62. Mr. BRUNI CELLI said that he supported the idea of preparing general comments to address the problem of reservations to treaties. As the meeting of chairpersons had recommended (A/47/628, para. 36), a comparative study on reservations to treaties could be prepared by the Subcommission on Prevention of Discrimination and Protection of Minorities. He felt that on-site visits should be made to countries whose reports were overdue only in very special circumstances, such as, cases of massive human rights violations. The inter-American system for the protection of human rights had been conducting on-site visits for 30 years, and deemed them to be one of the most effective investigatory methods. He agreed that a way must be found to expedite overdue communications. If the Committee was insisting that States parties submit reports on time, it could hardly make allowances for a delay in conducting its own business. The Committee should arrange meetings not only with other United Nations treaty bodies, but with the three important regional regulatory human rights systems, the African Commission on Human Rights, the European Commission of Human Rights, and the Inter-American Commission on Human Rights; whose procedures and functions were essentially similar to its own.

63. Mr. POCAR agreed that the Committee should remain within its terms of reference and not attempt to establish a direct link with the Security Council. He also agreed that the Committee should draft general comments concerning reservations to treaties. The comparative study envisaged by the meeting of chairpersons was intended to provide an overview to help the General Assembly to address that issue in drafting new instruments.

64. On the question of the World Conference on Human Rights, he said that the chairpersons of treaty bodies had been denied expert status and permission to speak at the meetings of the Preparatory Committee. At the third session of the Preparatory Committee, the Chairman had stated that only delegations of Member States could present their views on the substance of the agenda of the World Conference. The chairpersons in attendance at that meeting had addressed a formal letter to the Secretary-General of the Conference protesting that restriction. Unfortunately, the rules of procedure of the World Conference had now been adopted and it was too late to change them. He proposed that an informal advisory body should meet during the next session of the Preparatory Committee.

65. He reminded the Committee that no reference had been made to a list of States whose reports were overdue at the most recent meeting of States parties, held in September 1992. The Committee might insist on presenting such a document to the forthcoming World Conference, perhaps including information on compliance with the Optional Protocol. He felt that the Committee should ask for reports from successor States to States parties to the Covenant, and in particular from the successor States to the former Union of Soviet Socialist Republics that had not yet agreed to accede to the Covenant. The Committee had requested reports from the successor States to the former Yugoslavia, so as to monitor the emergency situation there. However, the successor States to the former USSR should be asked to furnish reports, on a regular basis, commencing with the date of independence, whether or not an emergency existed.

66. Although he agreed that on-site visits by members of the Committee to States parties could contribute to its work, he felt that, for the present time, such visits should be conducted only with the State party's consent. He also agreed that the Committee should extend one of its sessions to expedite consideration of pending communications. He proposed that the Committee should first request an extended session on an exceptional basis, and then review the decision on the basis of the progress made.

67. He had emphasized the crucial importance of the textual information related to the work of treaty monitoring bodies at the meeting of chairpersons which had agreed that documents must be issued more promptly. He reminded the Committee that a Japanese corporation had offered to donate funds to the Centre for Human Rights for the publication of the Yearbook and of the official records of the Committee; its most recent communication, dated 22 March 1993, pledged US$ 250,000 for that purpose.

68. The CHAIRMAN said that he would be unable to attend the final session of the Preparatory Committee for the World Conference on Human Rights, to be held in Geneva later in April. Mr. Pocar had consented to represent the Committee if it so wished.

69. It was so decided.

The meeting rose at 6.05 p.m.